

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

DONNA M. TRUSKY, ASHA
JEFFRIES, GAYNELL COLE
on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs

GENERAL MOTORS COMPANY
300 Renaissance Center
Detroit, MI48243

Defendant.

Case No. 2:11-cv-12815

HON. SEAN F. COX

**STIPULATION AND ORDER TO STAY
LITIGATION PENDING RULINGS FROM THE UNITED STATES
BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

For the reasons stated below, the parties in this action stipulate to entry of an Order staying proceedings before this Court, until such time as the Bankruptcy Court for the Southern District of New York ("Bankruptcy Court) enters an Opinion or Order addressing the dispute identified below.

Plaintiffs in this putative class action have filed claims against General Motors LLC f/k/a General Motors Company ("New GM"), alleging that New GM breached express warranties with Plaintiffs and the putative class members. *See* Amended Class Action Complaint, dkt #15.

New GM filed a Motion to Dismiss arguing, in part, that the claims asserted and the relief sought by Plaintiffs are outside the scope of the warranty terms and impermissibly are premised on conduct of Motors Liquidation Company f/k/a General Motors

Corporation (“Old GM”). New GM contends that the claims and relief constitute a violation of the Order of the United States Bankruptcy Court for the Southern District of New York (“Bankruptcy Court”) pursuant to which New GM acquired its assets and assumed specific liabilities only. *See* Motion to Dismiss, dkt #18. Additionally, New GM contends that the adjudication of the issues noted in this paragraph is within the exclusive jurisdiction of the Bankruptcy Court. Plaintiffs dispute New GM’s position and believe that they properly may pursue their claims and seek relief against New GM and in this Court. The parties’ disagreement constitutes an actual and pending dispute (the “Dispute”).

Plaintiffs believe that it would serve judicial economy for them to file a Motion before the Bankruptcy Court, in Case No. 09-50026, requesting, *inter alia*, that the Bankruptcy Court address and resolve the Dispute in paragraph 2, above.

The parties stipulate that this proceeding should be stayed pending an Opinion or Order from the Bankruptcy Court resolving the Dispute in paragraph 2, above or expressly declining to do so.

IT IS HEREBY ORDERED that the proceedings in this action are stayed until such time as the Bankruptcy Court enters an Opinion or Order resolving the Dispute as noted above or expressly declining to do so. Although either party may notify the Court that the stay should be

lifted, it will be Plaintiffs' responsibility to ensure that the Court is properly notified of same.

SO ORDERED

Dated: November 21, 2011

s/ Sean F. Cox

Sean F. Cox

U. S. District Court Judge

SO STIPULATED

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